

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

MEMORANDUM AND ORDER

06-CR-0550 (JS)

SANDRA HATFIELD and DAVID H. BROOKS,

Defendants.

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APPEARANCES:

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SEYBERT, District Judge:

Mr. Brooks' motions to release restrained funds (Docket Nos. 1280, 1308, 1341) are DENIED. Even if, as Mr. Brooks claims, the Government is not entitled to forfeiture of all the assets currently under restraint, the Court has the authority to continue to restrain these assets "as collateral in anticipation of an Order of Restitution," which will be issued at sentencing. U.S. v. Numisgroup Intern. Corp., 169 F. Supp. 2d 133, 137 (E.D.N.Y. 2001). Indeed, restraining assets as collateral for restitution is particularly appropriate here, because, as Mr. Brooks represents, he "has virtually no assets at his disposal." Id. at 138; see Docket No. 1341 ("Mr. Brooks has depleted all funds available to pay for his ongoing defense").

In addition, the Clerk of the Court is directed to publish Docket No. 1341 on ECF and serve a copy on the Government. Mr. Brooks had no legitimate justification to file this motion ex parte, especially because it implicated the

Government's vital interest in keeping Mr. Brooks' assets under restraint.

SO ORDERED.

/s/_____
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
September 27, 2010